

BENEFITS FOR DISAB PEOPLE WHO RETURN TO WORK

□ *SOCIAL SECURITY is a package of protection—retirement, survivors, and disability insurance. It protects you and your family while you work and after you retire. Social Security is a base you can build on, now and for the future. SOCIAL SECURITY . . . IT NEVER STOPS WORKING.* □

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Several million disabled and blind Americans receive monthly Social Security or supplemental security income (SSI) payments. Some receive both. Many also have help from Medicare or Medicaid in paying medical bills. The impact of these programs in meeting their needs has been significant. But, most people would rather work if they could.

This leaflet gives highlights of some special rules that may help you if you are a disabled or blind beneficiary who would like to work. Contact any Social Security office for more information.

VOCATIONAL REHABILITATION SERVICES

After you applied for Social Security or SSI disability benefits, your claim was sent by Social Security to an agency in your State. There a decision was made as to whether you are disabled or blind.

You may be considered for possible services from your State vocational rehabilitation agency. If such help would be likely to enable you to work, a counselor will interview you. Services may include counseling and guidance, medical or surgical treatment, physical therapy, training in the use of prostheses, and job training and placement.

Accepting these services will not prevent you from receiving benefits. But, you may not receive benefits if you refuse services without a good reason.

If you need information about State vocational rehabilitation, call the people there to see what help is available. Look for "Vocational Rehabilitation Agency" under State listings in your phone book or get the address and phone number from any Social Security office.

MEDICAL RECOVERY WHILE UNDER A VOCATIONAL REHABILITATION PLAN

Disability benefits usually stop shortly after your condition improves enough so you can work again. There is an exception if you are disabled when starting an approved vocational rehabilitation plan but unexpectedly recover before the program ends. Your payments may continue if the vocational rehabilitation services are likely to enable you to work.

SELF-HELP REHABILITATION

Thousands of disabled and blind people have returned to work mostly through their own efforts. Following are some special Social Security rules that have helped them to do this.

(NOTE: You should know that, if you are receiving SSI payments, the trial work period, the substantial gainful activity provisions, and extended period of eligibility rules discussed below do not apply. Your continued eligibility for SSI payments depends primarily on your countable income. However, if you are receiving both Social Security and SSI disability benefits, substantial gainful activity may affect your Social Security benefits but not your SSI benefits.)

TRIAL WORK PERIOD

If you are still disabled and meet all other requirements, generally you can have a **trial work period**. Disability benefits can continue for up to 9 months while you test your ability to work. The 9 months need not be in a row and can be separated by months or even years when you do no work at all.

Generally, starting in 1990, only months in which you earn over **\$200 gross wages** count as trial work months. If you are self-employed, only months in which your net earnings exceed \$200 or you spend over 40 hours with the business count.

After a trial work period, a decision is made as to whether you are doing **substantial gainful activity**. If you are not, payments continue. If you are, benefits will be paid for 3 months after your trial work period, then stop. Payments also can continue during an extended period of eligibility (see page 6) or under a special SSI rule (pages 10 and 11).

WHAT IS "SUBSTANTIAL GAINFUL ACTIVITY"?

This term is in the law and is a key to entitlement. In general, "substantial" means doing significant and productive physical or mental work. "Gainful" is when work is done (or is intended to be done) for pay or profit.

Work can be "substantial" even if it is part time, or if you get paid less or have less responsibility than before. Work can be "gainful" even if there is no profit (as with self-employment). Usually activities like self-care, hobbies, therapy, school, or social programs would not be "substantial gainful activity."

The rules differ depending on whether you are employed or self-employed. (Also, see pages 10 and 11 if you receive SSI checks and pages 12 and 13 if you are a blind Social Security beneficiary who works.)

- ☐ **If you are an employee**—If your monthly gross wages average over \$500 (after allowable deductions), your work generally is considered substantial and gainful.

Average monthly earnings between \$300 and \$500 may be substantial gainful activity if the amount and quality of your work is about the same as that done by non-disabled workers in your area. Average monthly wages of less than \$300 are not considered substantial gainful activity.

If your earnings are "subsidized"—that is, you are paid more than the value of your work—the subsidy part of your pay is not earnings. Only pay you earn counts.

- ☐ **If you are self-employed**—Your business income alone may not be the best measure of whether your work is substantial and gainful. Business income can depend on many factors such as the economic situation and services of other people. More consideration may be given to the kind and value of your work, including management, than to your income.

EXTENDED PERIOD OF ELIGIBILITY

You have special protection **for at least 36 months** after the trial work period. During this period, benefits can be paid for each month in which **you** are disabled and do not perform **any** substantial gainful activity. **You must** tell Social Security about these **months**, but you do not have to **apply**.

If you engage in "substantial gainful activity" after the 36-month period and later must stop because of your condition, generally you must apply again. But, if you are a former Social Security disability beneficiary and become disabled again **within 5 years** after your disability ended, benefits can start right away.

CONTINUATION OF MEDICARE

Generally, Medicare ends when Social Security disability benefits stop. But if payments end because of work activity and you are still disabled, Medicare can continue for at least 39 months after the trial work period.

If you are a worker who becomes disabled again **within 5 years** after Social Security disability benefits stopped, Medicare can start when monthly benefits begin if you formerly had Medicare. If you previously did not complete the 24-month waiting period for Medicare, any months for which you received benefits during your first disability can count toward meeting this requirement in the second disability. (This also applies if you are a disabled widow or widower or a person disabled before 22 who becomes disabled again within 7 years after payments ended.)

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IMPAIRMENT-RELATED WORK EXPENSES

When you work and receive Social Security or SSI disability benefits, certain impairment-related work expenses you pay for can be deducted from earnings. It does not matter if you need an item or service also for daily living, such as a wheelchair. Following are examples of some expenses that generally are deductible; Social Security must approve each deduction and the amount in each case:

- ☐ **Medical devices**—Wheelchairs, hemodialysis equipment, pace-makers, respirators, traction equipment, braces, and prostheses such as an artificial hip, arm, or leg.
- ☐ **Attendant care services**—Help in getting ready for work and going to and from work. (NOTE: There are special rules for services performed by family members.) Expenses for a reader for the blind or an interpreter for the deaf are deductible.
- ☐ **Transportation costs**—Certain extraordinary costs such as modifications to a vehicle.
- ☐ **Work-related equipment**—One-handed typewriters, typing aids (such as page turners), electronic visual aids, braille devices, telecommunication devices for the deaf, and special work tools.

- ☐ **Drugs and medical services**—Regularly prescribed medical treatment or therapy needed to control a condition such as anticonvulsant drugs, chemotherapy, antidepressant medication, etc.
- ☐ **Home modifications**—ramps or railings outside the home that improve mobility; changes inside the home that enable a self-employed beneficiary to work.
- ☐ **Miscellaneous**—Expendable medical supplies (such as elastic stockings, catheters, etc.); costs keeping a guide dog; and other expenses.

Reasonable work expenses can be deducted from earnings when figuring your Social Security or SSI payment. When you first receive SSI, however, you must meet the income test without deductions.

SPECIFIC SSI PROVISIONS

Several provisions help certain disabled and blind people receiving SSI checks when they try to work. They lessen the risk of suddenly losing SSI and related benefits.

PLAN FOR ACHIEVING SELF-SUPPORT

A plan for achieving self-support allows you to have additional income and resources (from any source) needed to enable you to meet an occupational goal and work

again. The income and resources set aside will not count against your SSI benefits for a reasonable time. This is generally 18 months, and may go up to 48 months.

The plan will help ease your transition toward independence. It will enable you to receive training or education, start a business, buy work-related equipment, and so on.

The plan must be in writing and approved by Social Security. Usually it is developed with help from a vocational rehabilitation counselor, a social worker, an employer, or someone from Social Security. Or, you can develop one yourself. Ask at any Social Security office for more information.

CONTINUING ELIGIBILITY FOR CASH BENEFITS

You may continue to be eligible for SSI checks even if you start to work or earn more money, so long as you are still disabled or blind. If you qualify under this rule, we will review your case to see if you are still disabled or blind under our rules. When we do this, we will only look to see if your health has improved.

These checks may continue as long as you remain disabled or blind and you otherwise qualify under the regular SSI rules. The checks will stop for any month your earnings and other countable income exceed the SSI limits. They may be reinstated without a new application for

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any month you remain disabled or blind and your income drops below the SSI limits. However, if there is a period of 12 months during which you are not eligible for SSI or Medicaid, a new application will be required to establish eligibility again.

CONTINUING ELIGIBILITY FOR MEDICAID

You may also continue to receive Medicaid coverage as a blind or disabled SSI recipient even though your earnings and other countable income are too high for you to continue receiving SSI checks. To be eligible, you must be disabled or blind and be under 65, be unable to afford similar medical care or publicly funded personal or attendant care, and be unable to work without Medicaid.

If you qualify under this rule, we will review your case to see if you are still disabled or blind under our rules. When we do this, we will only look to see if your health has improved.

As with SSI payments, entitlement to Medicaid under this rule stops for any month in which you do not meet the requirements stated above. But you may be reinstated to Medicaid eligibility without a new application for any month during the next 12 months in which you meet the requirements. Again, as with SSI payments, eligibility for Medicaid is terminated if you do not qualify for either SSI payments or

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Medicaid benefits for 12 consecutive months.

All States are now required to provide continuing Medicaid coverage to match SSI eligibility under certain conditions.

IF YOU ENTER AN INSTITUTION

Another rule makes it easier to meet your outside living expenses during a short stay in a medical or psychiatric institution. You may be able to receive your SSI payment during a stay of 1 or 2 full months in the institution. After that, your payment may be reduced or stopped under the regular rules. Payment will be reduced to \$30 if Medicaid is paying half or more of your stay in a public or private institution. Payment may stop if your stay is in a public institution.

For more information about these important provisions, contact any Social Security office. Also, people in the agency or organization who have been assisting you may have further details.

SPECIAL PROVISIONS FOR BLIND WORKERS

If you are a blind person who works while receiving Social Security benefits, these special provisions may help you return to work:

- ☐ You can earn up to \$780 a month in 1990 before your earnings are considered substantial gainful activity.

- ☐ If your earnings are too high to receive disability benefits, you are still eligible for a disability "freeze." This means that your future benefits, which are figured from your average earnings, will not be reduced because of relatively lower earnings in those years when you are blind.
- ☐ If you are 55 to 65, you can receive disability benefits if you cannot do work requiring skills or abilities comparable to those required by the work you did regularly before you reached 55 or became blind, whichever is later. Benefits will not be paid, however, for any month you actually do substantial gainful activity.

REPORTING RESPONSIBILITIES

If you receive Social Security or SSI benefits, promptly report any changes that could affect your benefits. It is especially important to tell Social Security if your condition improves, if you go to work, or change your address. If you receive SSI checks, you should also report any changes in your income or resources.

FOR MORE INFORMATION

For more information, visit or write any Social Security office, or phone our toll-free number, 1-800-2345-SSA (1-800-234-5772). You can speak to a teleservice representative weekdays during normal business hours.

Because most calls from our current beneficiaries occur the first week of every month, and on Mondays and Tuesdays of other weeks, we can respond to your requests more promptly if you call at other times in the month. If your business is urgent, however, call right away. Early in the morning and late in the afternoon are also the best times to call. We give you this information so we can provide the best possible service.

The Social Security Administration treats each call confidentially. We also want to ensure that you receive accurate and courteous service. That is why we have a second Social Security representative listen to some telephone calls.